

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,290
)	
Appeal of)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for General Assistance (GA) for payment of his room rent. The issue is whether the petitioner was eligible under either the general provisions of the program or was facing a "catastrophic situation" within the meaning of the pertinent regulations.

FINDINGS OF FACT

The petitioner is sixty years old and has no dependents. He owns a camper that he lives in during the summer. In late fall the campground closed and the petitioner had to move out of the camper. He moved into a rooming house, but fell behind in his rent. On December 3, 1997, he applied for GA. At that time, he had a notice stating that he had to move out within 10 days. The Department denied the application because the petitioner was able-bodied and did not have two or more barriers to employment.

At the hearing held on December 17, 1997, the petitioner stated that he had obtained a job on December 1, 1997, but had been laid off after two weeks due to lack of work. He stated that his rent was paid through December 19,

and that he had until December 24 to pay the following weeks rent. The petitioner did not allege that he would be unable to look for work in the meantime.

ORDER

The Department's decision is affirmed.

REASONS

GA is available only to those individuals who otherwise qualify and who are facing an "emergency need". The regulations (W.A.M. § 2600) provide that applicants who are "able-bodied" can qualify for GA only if they have two or more "barriers to employment" as set forth in § 2600 or if they are facing a "catastrophic situation" as defined in § 2602 of the regulations.

The hearing officer did not pursue the issue of whether the petitioner met more than one employment barrier (the department concedes he meets one barrier based on his age) because as of the date of the hearing the petitioner had recently been working and was up to date in his rent, and it was not at all clear that the petitioner would be unable to pay his rent when it became due the following week. The hearing officer advised the petitioner to reapply for GA if and when he was facing a loss of housing due to nonpayment of rent.

Inasmuch as it turns out that the petitioner was temporarily able to resolve his housing problems without resort to GA, and there was no showing that he would be unable to do so again, it must be concluded that he had no emergency need. The Department's decision is in accord with the applicable regulations and must, therefore, be affirmed.

3 V.S.A. § 3091(d) and Fair Hearing No. 17.

#